



PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST
FOR
CONTINUED EXAMINATION
(RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|-------------------|
| Application Number | 09/745,511 |
| Filing Date | December 22, 2000 |
| First Named Inventor | Clark et al. |
| Group Art Unit | 2873 |
| Examiner Name | J. Schwartz |
| Attorney Docket Number | VTN-527 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other

3. **Fees** - The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **10-0750**.
- i. ☒ RCE fee is required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of Time (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☐ Check in the amount of \$_____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------------|------------------|--------------|
| Name (print/type) | Chris A. Gianneschi | Registration No. | 35,519 |
| Signature | | Date | May 20, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

| | | | |
|-------------------|---------------------|------|---------|
| Name (print/type) | Chris A. Gianneschi | Date | 5/20/04 |
| Signature | | | |

05/25/2004 DEMMANU1 00000002 100750 09745511

01 FC:1801 770.00 DA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Clark et al.

Docket No.: VTN-527

Serial No.: 09/745,511

Filed: December 22, 2000

Group Art Unit: 2873

For: Tinted Contact Lenses

Examiner: J. Schwartz

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.114

Dear Sir:

This submission is being filed in response to the Office Action dated February 13, 2004. Kindly enter and consider the following amendments:

In the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Please amend claims 1 through 4, 8, 11, and 25 through 29 as follows.

Please cancel claims 5 and 30.

CERTIFICATE OF MAILING 37 C.F.R. 1.8(a)

I hereby certify that this paper (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450
Date: 5/20/04

Signature

Name

Louis A. Giamarchi